

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

August 26, 2006

BOARD MEMBERS PRESENT: President Martin Reiss D.O., Vice-President Stanley Grossman, Murray Cohen, D.O., F.P. Wedel, D.O., David Steinway, D.O., Arlene England, D.O., and Andrew Becke

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Blair C. Driggs, Assistant Attorney General
Barbara Prah-Wix, D.O., Medical Consultant
Beverly Alfson, Licensing/Business Manager

1. **CALL TO ORDER by President Martin Reiss – 8:08 a.m.**

2. **ROLL CALL AND REVIEW OF AGENDA**

3. **PRESIDENT’S REPORT AND CALL TO THE PUBLIC:**

Mary Rimsza, MD spoke to the Board about the Arizona Workforce Study and requested that the Board consider committing some funding to the study as they had an opportunity to get matching funding.

4. **REVIEW, CONSIDERATION AND APPROVAL OF MINUTES:**

A. July 22, 2006 Board Meeting Minutes

MOTION: Dr. Steinway moved to accept the minutes. Mr. Becke seconded.

VOTE: Motion passed unanimously.

5. **REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.**

A. **William Gabbert, DO**

Case No. 3454

License No. 3813

The Deputy Director provided a summary of the case. The complainant was present accompanied by her supervisor. Both were sworn in by the court reporter. The case was discussed and the Board’s questions were answered. Dr. Gabbert was not present.

FIRST MOTION: Dr. Steinway moved to return the case to a Case Review. Mr. Grossman seconded.

VOTE: The motion passed unanimously.

At 9:15 a.m. The Board went into Executive Session for legal advice. The meeting resumed at 9:19 a.m.

SECOND MOTION: Dr. Steinway moved to issue a LETTER OF CONCERN pursuant to A.R.S. §32-1854 (19) for unprofessional conduct in the area of ethics. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X	X		X		X
NO	3	X			X		X	
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 4-3, with Dr. Cohen, Dr. Wedel, and Dr. Reiss voting against the motion.

B. Charles Lindsay, DO **Case No. 3399** **License No. 0793**

The Medical Consultant provided a summary of the case. Dr. Lindsay was present and sworn in by the court reporter. Dr. Lindsay answered all questions posed by the Board.

FIRST MOTION: Dr. Wedel moved that Dr. Lindsay be evaluated for medical competency. Dr. Steinway seconded.

VOTE: The motion passed unanimously.

SECOND MOTION: Dr. Wedel moved that Dr. Lindsay be evaluated for anger management. Dr. Steinway seconded.

VOTE: The motion passed 5-2, with Dr. England and Mr. Becke voting against the motion.

This case was TABLED pending evaluation and assessments.

C. William Zachow, DO **Case No. 3498** **License No. 2324**

This matter was postponed at the request of Dr. Zachow

E. Samuel Feinstein, DO **Case No. 3451M** **License No. 1449**

Dr. Reiss recused himself from the case. The Medical Consultant provided a summary. Dr. Feinstein was present and sworn in by the court reporter. Dr. Feinstein answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6		X	X	X	X	X	X
NO	0							
ABSTAIN	1	X						
ABSENT	0							

ROLL CALL VOTE: The motion passed 6-0.

F. Tamarah Fratianni, DO Case No. 3687M License No. 3000

The Medical Consultant provided a summary of the case. Dr. Fratianni was present with attorney Jay Fradkin. Dr. Fratianni was sworn in by the court reporter and answered all questions posed by the Board.

MOTION: Dr. Steinway moved for DISMISSAL with 30 hours of CME in the area of pediatric head and neck problems treatment and surgery. This CME is in addition to that required for license renewal and shall be pre-approved by the Executive Director. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4		X		X	X	X	
NO	3	X		X				X
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 4-3, with Dr. England, Mr. Becke, and Dr. Reiss voting against the motion.

H. Alan Citrin, DO Case No. 3533 License No. 2235

The Deputy Director provided a summary of the case. Dr. Citrin was present with attorney Peter Fisher. Dr. Citrin was sworn in by the court reporter and answered all questions posed by the Board.

FIRST MOTION: Dr. Wedel moved for DISMISSAL. Dr. Reiss seconded.

ROLL CALL VOTE: The motion failed 1-6, with Dr. England, Mr. Becke, Dr. Steinway, Dr. Cohen, Mr. Grossman, and Dr. Reiss voting against the motion.

SECOND MOTION: Mr. Grossman moved to issue a LETTER OF CONCERN pursuant to A.R.S. §32-1854 (36). The motion was amended to include A.R.S. §32-1854 (38). Dr. England seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed unanimously.

I. Mark Siegel, DO Case No. 3675 License No. 2479

The Deputy Director provided a summary of the case. Dr. Siegel was present and sworn in by the court reporter. The complainant was also present and sworn in. Dr. Siegel and the complainant answered all questions posed by the Board.

MOTION: Dr. Steinway moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed unanimously.

K. Charles Clinch, DO Case No. 3517M License No. 1901

FIRST MOTION: Dr. Wedel moved to return this case to a Case Review. Dr. Cohen seconded.

VOTE: The motion passed unanimously.

SECOND MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	5	X		X	X		X	X
NO	2		X			X		
ABSTAIN	0							

ABSENT	0							
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ROLL CALL VOTE: The motion passed 5-2, with Mr. Grossman and Dr. Steinway voting against the motion.

L. Kathleen Gerace, DO **Case No. 3558** **License No. 3082**

The Deputy Director provided a summary of the case. Dr. Gerace was present with attorney William R. Jones, Jr. Dr. Gerace was sworn in and answered all questions posed by the Board.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed unanimously.

N. Julie McCartan, DO **Case No. 3525A** **License No. 3506**

The Medical Consultant provided a summary of the case. Dr. McCartan was present with attorney Duane Cates. Dr. McCartan was sworn in by the court reporter. Dr. McCartan summarized her care of the patient and answered all questions posed by the Board.

FIRST MOTION: Dr. England moved for DISMISSAL. Dr. Wedel seconded.

ROLL CALL VOTE: The motion failed 2-5, with Dr. Reiss, Mr. Grossman, Dr. Cohen, Dr. Steinway, and Mr. Becke voting against the motion.

SECOND MOTION: Dr. Steinway moved to issue a LETTER OF CONCERN pursuant to A.R.S. §32-1854 (38) for taking an inadequate history. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	5	X	X		X	X		X
NO	2			X			X	
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 5-2, with Dr. England and Dr. Wedel voting against the motion.

The Medical Consultant provided a summary of the case. Dr. Marsh was present with attorney Duane Cates. Dr. Marsh was sworn in by the court reporter and answered all questions posed by the Board.

MOTION: Dr. Steinway moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed unanimously.

6. REVIEW, CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)

A. J.D. Panetta, D.O.

The Executive Director provided a summary of the case. Dr. Panetta was present and sworn in by the court reporter. Dr. Panetta answered all questions posed by the Board.

MOTION: Mr. Grossman moved that Dr. Panetta's Consent Agreement with the Board be terminated. Dr. Steinway seconded.

VOTE: The motion passed unanimously.

7. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

A. David Hatfield, DO

Case No. 3648A

License No. 2913

MOTION: Dr. Steinway moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	X	X	X		X	X	X
NO	1				X			
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 6-1, with Dr. Cohen voting against the motion.

B. Scott Hatfield, DO

Case No. 3648B

License No. 3764

MOTION: Dr. Steinway moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	X	X	X		X	X	X
NO	1				X			
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 6-1 with Dr. Cohen voting against the motion.

C. Donald Middleton, DO

Case No. 3685

License No. 2747

MOTION: Dr. Steinway moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed unanimously.

D. David Berkenbile, DO

Case No. 3560

License No. 3252

MOTION: Dr. Steinway moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed unanimously.

E. Shelly Friedman, DO

Case No. 3674

License No. 2179

MOTION: Dr. Steinway moved for DISMISSAL. Dr. Cohen seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed unanimously.

F. Brian Marks, DO

Case No. 3676

License No. 2964

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Steinway seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	X	X	X	X	X	X	
NO	1							X
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 6-1, with Mr. Becke voting against the motion.

G. Arlene England, DO

Case No. 3597

License No. 2283

Dr. England recused herself from the case and answered all questions posed by the Board.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Cohen seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4	X	X		X			X
NO	2					X	X	
ABSTAIN	1			X				
ABSENT	0							

VOTE: The motion passed 4-2, with Dr. Steinway and Dr. Wedel voting against the motion.

H. Alan Sommers, DO

Case No. 3713

License No. 2059

MOTION: Dr. Steinway moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed unanimously.

I. Erol LeBlanc, DO

Case No. 3452

License No. 3452

Dr. LeBlanc was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved to issue a LETTER OF CONCERN pursuant to A.R.S. § 32-1854 (3) and (6). Mr. Becke seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6	X	X	X	X		X	X
NO	1					X		
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 6-1, with Dr. Steinway voting against the motion.

J. Joseph Collins, DO

Case No. 3556

License No. 3858

MOTION: Mr. Grossman moved to accept the CONSENT AGREEMENT FOR PROBATION as prepared by staff and issued pursuant to A.R.S. §32-1854 (2), (19) and (35). Dr. Reiss seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	5	X	X	X	X		X	
NO	2					X		X
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed 5-2, with Dr. Steinway and Mr. Becke voting against the motion.

K. Alok Sinha, DO

Case No. 3539

License No. 3347

MOTION: Dr. Steinway moved to ADMINISTRATIVELY CLOSE the case. Mr. Grossman seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: The motion passed unanimously.

**8. EXECUTIVE DIRECTOR REPORT **

A. Review and Approval of 2008 & 2009 Budget

B. Review & Approval of Strategic Plan

MOTION: Dr. Wedel moved to approve the Budget and Strategic Plan as submitted. Dr. Cohen seconded.

VOTE: The motion passed unanimously.

C. Performance Measures Report

D. Letter from the Honorable Rick Murphy

E. Letter regarding St. Luke's Health Initiative Health Care Workforces Matching Grant
This matter was heard at the Call to the Public.

F. Draft Arizona Physician Workforce Study: Part II: Summary

G. Executive Director Evaluation

H. ADOA and JCCR Letter Regarding Office Rent and Space

I. Open Complaint Report

J. Formation of a Legislative Subcommittee to Address the Sunset Review and New Proposed Bill/Authority and Language (Dr. Steinway).

A legislative subcommittee consisting of Dr. Steinway and Andrew Becke was formed
Dr. Steinway proposed that a non-punitive category be added for tracking purposes. Dr. Steinway also proposed the possibility of video conferencing.

Bill/Authority and Language (Dr. Steinway)

K. Budget Report

9. ANNUAL BUSINESS:

A. ELECTION OF OFFICERS PURSUANT TO A.R.S. § 32-1802(B):

1. President

2. Vice-President

MOTION: Mr. Grossman moved to elect David Steinway, D.O. as President. Dr. Wedel seconded.

VOTE: The motion passed unanimously.

MOTION: Mr. Becke moved to elect Mr. Grossman as Vice-President. Dr. Reiss seconded.

VOTE: The motion passed unanimously.

10. The meeting adjourned at

Dated this ____ day of _____, 2006.

Jack Confer, Executive Director